

HOUSE _____ AMENDMENT NO. _____

Offered By _____

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 692,
Page 74, Section 313.321, Line 51, by inserting after all of said line the following:

“320.400. As used in sections 320.400 to 320.416, the following terms shall mean:

(1) "Certificate of registration", the document issued to a contractor under sections
320.400 to 320.416;

(2) "Contractor", an organization that offers to undertake, represents itself as being able to
undertake, or does undertake the design, planning, installation, or servicing of a fire sprinkler
system or any part of such a system for pay;

(3) "Fire sprinkler system", a suppression system which requires individual calculation
and layout in accordance with nationally recognized standards, such as those of the National Fire
Protection Association, to protect the interior or exterior of a specific building, structure, or
special hazard from fire by conveying water, with or without other agents, to dispersal openings or
devices. Such systems also include any overhead and underground fire mains beginning at the
point of service, fire hydrants and hydrant mains, standpipes and hoses connected to sprinkler
systems, sprinkler tank heaters, air lines, thermal systems used in connection with fire sprinkler
systems, and tanks and pumps connected to fire sprinkler systems;

(4) "Inspection", a visual examination of a fire sprinkler system or portion thereof to
verify that it appears to be in operating condition and is free of physical damage;

(5) "Installation", the initial placement of fire sprinkler equipment or the extension,
modification, or alteration of equipment after the initial placement, and includes the inspection
and testing of equipment attendant to the placement or alteration of fire sprinkler equipment;

(6) "NICET", National Institute of Certification in Engineering Technologies;

(7) "Organization", a corporation, a partnership or other business association, a sole
proprietorship, a governmental entity, or any other legal or commercial entity;

(8) "Person", a natural person, including an owner, manager, officer, employee, or
occupant;

(9) "Point of service", the point at which the underground piping for a sprinkler system
using water as the extinguishing agent becomes used exclusively for the sprinkler system;

(10) "Registered firm", an organization holding a valid certificate of registration issued

1 under sections 320.400 to 320.416;

2 (11) "Service", to inspect, test, or repair fire sprinkler equipment in order to furnish or
3 return the fire sprinkler system to operational condition, and including maintenance contracts;

4 (12) "Special agent fire suppression system", an approved system, and components
5 thereof, which requires individual calculations and layout in accordance with the manufacturer's
6 instructions to determine the flow rates, nozzle pressures, quantities of extinguishing agent, and
7 number and types of nozzles for protecting one or more hazards by suppressing or extinguishing
8 fire. These systems include kitchen hood fire suppression systems, dry chemical systems, carbon
9 dioxide systems, halogenated and gaseous agent systems, foam systems, and wet chemical
10 systems not connected to fire sprinkler systems. Special agent fire suppression systems shall not
11 include a fire sprinkler system.

12 320.402. 1. Any contractor who engages in the installation of fire sprinkler systems or
13 services fire sprinkler systems may register with the state fire marshal for a certificate of
14 registration.

15 2. The provisions of sections 320.400 to 320.416 and the rules and regulations
16 promulgated under sections 320.400 to 320.416 shall have uniform force and effect throughout
17 the state. A municipality, county, or any other local governmental body or jurisdiction may enact
18 or enforce registration or licensing requirements, and the registration provisions of sections
19 320.400 to 320.416 shall not supercede them.

20 3. A municipality, county, or any other local governmental body or jurisdiction may
21 require a contractor to obtain a permit and pay a fee for the installation of a fire sprinkler system
22 and require the installation of such system in conformance with the building code or other
23 construction requirements of the municipality, county, or any other local governmental body or
24 jurisdiction.

25 320.406. 1. The state fire marshal is authorized to promulgate rules and regulations
26 regarding:

27 (1) The content of applications and the procedures for filing an application for an initial or
28 renewal certificate of registration in this state;

29 (2) All applicable fees, set at a level to produce revenue which shall not exceed the cost
30 and expense of administering the provisions of sections 320.400 to 320.416;

31 (3) Establishment of procedures for granting reciprocity with other states.

32 2. Any rule or portion of a rule, as that term is defined in section 536.010 that is created
33 under the authority delegated in this section shall become effective only if it complies with and is
34 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
35 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant
36 to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are

subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

320.408. 1. One of the following requirements shall be fulfilled in order to obtain a certificate of registration from the state fire marshal:

(1) The applicant shall employ or contract with a person with a bachelors of science degree in fire protection engineering from an accredited university, from which the employee shall have received training in design, planning, and installation of fire sprinkler systems, or such employee shall be a professional engineer licensed in the state of Missouri;

(2) The applicant shall employ or contract with a person with a NICET Level IV certification in the automatic sprinkler system layout subfield demonstrating the certified person has received training in design, planning, and installation of fire sprinkler systems; or

(3) The applicant shall employ or contract with a person with a NICET Level III certification in the automatic sprinkler system layout subfield demonstrating the certified person has received training in design, planning, and installation of fire sprinkler systems.

2. Any organization that holds a certificate of registration in this state under sections 320.400 to 320.416 may use the title "Missouri state certified fire sprinkler contractor". No other person or organization may use the title "Missouri state certified fire sprinkler contractor". No other person or organization shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person or organization using the same is a Missouri state certified fire sprinkler contractor.

3. A certificate of registration shall be valid for a period of two years from the date of issue and is renewable biennially on payment of a fee; provided however, that the initial certificates of registration issued on or after August 28, 2012, may be issued for periods of less than two years and the fee shall be prorated proportionally.

4. A fee shall be charged by the state fire marshal for any request for a duplicate certificate of registration or any request requiring change to a certificate of registration. The fee shall be set by the fire marshal.

5. Each contractor holding itself out as a "Missouri state certified fire sprinkler contractor" shall display its certificate of registration issued under sections 320.400 to 320.416 in a conspicuous place in the contractor's place of business.

6. Plans, bids, proposals, offers, and installation drawings for fire sprinkler systems may display the contractor's certificate of registration number.

7. A certificate of registration issued under sections 320.400 to 320.416 shall not be transferable.

8. There is hereby created in the state treasury the "Fire Sprinkler Contractor Registration Fund", which shall consist of money collected under sections 320.400 to 320.416. The state

1 treasurer shall be custodian of the fund and may approve disbursements from the fund in
2 accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be
3 used solely for the administration of sections 320.400 to 320.416. Any money remaining in the
4 fund at the end of the biennium shall revert to the credit of the general revenue fund. The state
5 treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any
6 interest and moneys earned on such investments shall be credited to the fund.

7 320.410. 1. As provided in subsection 3 of section 320.408, each renewal of a certificate
8 of registration issued under sections 320.400 to 320.416 is valid for a period of two years. The
9 certificate of registration fee is payable on renewal.

10 2. At least thirty days before the expiration of a certificate of registration, the state fire
11 marshal shall send written notice of the impending certificate of registration expiration to the
12 registrant at the last known address.

13 3. The state fire marshal may, by rule, adopt a system under which certificates of
14 registration expire on various dates during the year. When the certificate of registration expiration
15 date is less than two years from its issuance or anniversary date, the fee shall be prorated on a
16 monthly basis so that each registrant shall pay only that portion of the fee that is allocable to the
17 number of months during which the registration is valid. On each subsequent renewal, the total
18 renewal fee is payable.

19 320.412. The state fire marshal shall not issue a certificate of registration under sections
20 320.400 to 320.416 unless the applicant files evidence of a general liability insurance policy that
21 includes products and completed operations coverage. The limits of insurance coverage required
22 by this section shall be in an amount not less than one million dollars aggregate for all occurrences
23 per policy year. The general liability policy shall be conditioned to pay on behalf of the insured
24 those amounts that the insured is legally obligated to pay as damages because of bodily injury and
25 property damage caused by an occurrence involving the insured or the insured's servant, officer,
26 agent, or employee in the conduct of any business registered under sections 320.400 to 320.416.

27 320.414. 1. The state fire marshal may refuse to issue any certificate of registration or
28 renew any certificate of registration required by one or any provisions of sections 320.400 to
29 320.416 for one or any combination of reasons stated in subsection 2 of this section. The state fire
30 marshal shall notify the applicant in writing of the reasons for the refusal and shall advise the
31 applicant of the right to file a complaint with the administrative hearing commission as provided
32 in chapter 621.

33 2. The state fire marshal may cause a complaint to be filed with the administrative hearing
34 commission as provided in chapter 621 against the holder of any certificate of registration
35 required by sections 320.400 to 320.416 or for any one or any combination of the following
36 causes:

1 (1) Use of fraud, deception, misrepresentation, or bribery in securing a certificate issued
2 pursuant to the provisions of sections 320.400 to 320.416;

3 (2) Impersonation of any organization holding a certificate or allowing any person or
4 organization to use his or her certificate;

5 (3) Disciplinary action against the holder of a certificate by another state, territory, federal
6 agency, or country upon grounds for which revocation or suspension is authorized in this state;

7 (4) Issuance of a certificate based upon a material mistake of fact;

8 (5) The person or organization has been finally adjudicated and found guilty, or entered a
9 plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the
10 United States, for any offense reasonably related to the qualifications, functions, or duties of any
11 profession regulated under sections 320.400 to 320.416, for any offense an essential element of
12 which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude,
13 whether or not sentence is imposed;

14 (6) Incompetence, misconduct, gross negligence, fraud, misrepresentation, or dishonesty
15 in the performance of the functions or duties of the profession that is regulated by sections
16 320.400 to 320.416;

17 (7) Violation of, or assisting or enabling any person or organization to violate, any
18 provision of sections 320.400 to 320.416, or any lawful rule or regulation adopted pursuant to
19 such sections;

20 (8) A person is finally adjudged insane or incompetent by a court of competent
21 jurisdiction;

22 (9) Operating without at least one million dollars in liability insurance coverage.

23 3. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings
24 shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the
25 administrative hearing commission that the grounds, provided in subsection 2 of this section, for
26 disciplinary action are met, the state fire marshal may, singly or in combination, censure or place
27 the person or organization named in the complaint on probation on such terms and conditions as
28 the state fire marshal deems appropriate for a period not to exceed five years, or may suspend, for
29 a period not to exceed three years, or revoke the certificate of registration of the person or
30 organization. An individual whose certificate of registration has been revoked shall wait three
31 years from the date of revocation to apply for another certificate. Certification shall be at the
32 discretion of the state fire marshal after compliance with all requirements of sections 320.400 to
33 320.416 relative to the certification of an applicant for the first time.

34 4. The state fire marshal shall maintain an information file containing each complaint
35 filed with the state fire marshal relating to a holder of a certificate of registration.

36 320.416. 1. Upon proper application by the state fire marshal, a court of competent

1 jurisdiction may grant an injunction, restraining order, or other order as may be appropriate to
2 enjoin a person or organization from holding himself, herself, or itself out as a certified fire
3 sprinkler contractor.

4 2. Any such actions shall be commenced either in the county in which such conduct
5 occurred or in the county in which the defendant resides.

6 3. Any action brought under this section shall be in addition and not in lieu of any penalty
7 provided by law and may be brought concurrently with other actions to enforce sections 320.400
8 to 320.416.”; and

9
10 Further amend said bill by amending the title, enacting clause, and intersectional references
11 accordingly.